

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL ROBERT MOORE,

Defendant and Appellant.

E057095

(Super.Ct.No. FVI1200381)

OPINION

APPEAL from the Superior Court of San Bernardino County. Steve Malone, Judge. Affirmed.

Rex Williams, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Pursuant to a plea agreement, defendant and appellant Michael Robert Moore pled no contest to unlawfully taking or driving a vehicle (Veh. Code, § 10851, subd. (a)), and admitted that he had suffered one prior strike conviction (Pen. Code, §§ 667, subds. (b)-

(i), 1170.12, subds. (a)-(d)). In exchange, the remaining allegations were dismissed, and defendant was sentenced to a stipulated term of four years in state prison with credit for time served. Defendant appeals from the judgment, challenging the sentence or other matters occurring after the plea, as well as the validity of the plea or admission. We find no error and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On or about February 11, 2012, defendant unlawfully took and drove a vehicle owned by another person without her permission or consent and with the intent to deprive her possession of the vehicle.

On April 20, 2012, an amended felony complaint was filed charging defendant with possession of a controlled substance for sale, to wit, heroin (Health & Saf. Code, § 11351, count 1) for the benefit of, at the direction of, or in association with a criminal street gang (Pen. Code, § 186.22, subd. (b)(1)(A)); unlawfully driving or taking a vehicle (Veh. Code, § 10851, subd. (a), count 2) for the benefit of, at the direction of, or in association with a criminal street gang (Pen. Code, § 186.22, subd. (b)(1)(A)); and actively participating in a criminal street gang (Pen. Code, § 186.22, subd. (a), count 3). The amended complaint further alleged that defendant had suffered three prior prison terms (Pen. Code, § 667.5, subd. (b)), one prior serious felony (Pen. Code, § 667, subd. (a)(1)), one prior strike conviction (Pen. Code, §§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d)), and one prior drug-related conviction (Health & Saf. Code, § 11370.2, subd. (a)).

On May 14, 2012, pursuant to a plea agreement, defendant pled no contest to count 2 and admitted he had suffered a prior strike conviction in exchange for a stipulated four-year sentence and the dismissal of the remaining allegations. The trial court found that the no contest plea and admission were entered into freely and voluntarily and that defendant knowingly and intelligently waived his rights. Defendant thereafter waived a probation report, and requested sentencing be held at a later date.

The sentencing hearing was held on August 24, 2012. At that time, defendant informed the court that he had been accepted in a long-term residential treatment program, and made an oral motion to withdraw his guilty plea. After the trial court denied the motion, defendant was sentenced in accordance with his plea agreement and awarded credit for time served.

Defendant filed a notice of appeal, challenging the sentence or other matters occurring after the plea, as well as the validity of the plea or admission, and a request for certificate of probable cause. The trial court denied the request for certificate of probable cause.

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

RAMIREZ
P. J.

We concur:

RICHLI
J.

MILLER
J.